

SENATE FILE 328
BY BORLAUG

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing immunity from liability for volunteers providing
2 services for a charitable purpose on an individual basis.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 328

1 Section 1. Section 613.19, Code 1995, is amended to read
2 as follows:

3 613.19 PERSONAL LIABILITY OF VOLUNTEERS INVOLVED IN
4 NONPROFIT ORGANIZATIONS AND VOLUNTEER ACTIVITIES.

5 1. A director, officer, employee, member, trustee, or
6 volunteer, of a nonprofit organization is not liable on the
7 debts or obligations of the nonprofit organization and a
8 director, officer, employee, member, trustee, or volunteer is
9 not personally liable for a claim based upon an act or
10 omission of the person performed in the discharge of the
11 person's duties, except for acts or omissions which involve
12 intentional misconduct or knowing violation of the law, or for
13 a transaction from which the person derives an improper
14 personal benefit. For purposes of this section, "nonprofit
15 organization" includes an unincorporated club, association, or
16 other similar entity, however named, if no part of its income
17 or profit is distributed to its members, directors, or
18 officers.

19 2. A person who individually provides services for a
20 charitable purpose, as defined in section 13C.1, to a person
21 with a physical or mental disability or impairment, is not
22 personally liable for a claim based upon an act or omission of
23 the person performed in the discharge of these volunteer
24 activities, except for acts or omissions which involve
25 intentional misconduct or knowing violation of the law, or for
26 a transaction from which the person derives an improper
27 personal benefit.

28 EXPLANATION

29 This bill provides that a person who, individually,
30 provides services for a charitable purpose to persons with
31 physical or mental disabilities or impairments is not
32 personally liable for a claim based upon an act or omission,
33 unless the act or omission involves intentional misconduct, or
34 knowing violation of the law, or a transaction from which the
35 person derives an improper personal benefit. Current law

1 provides protection from liability only for persons associated
2 with nonprofit organizations.

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